

JUDGE ENGELMAYER

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

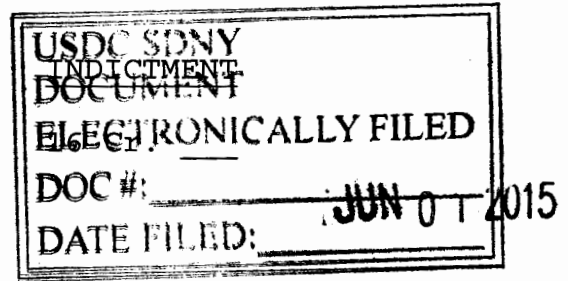
ORIGINAL

UNITED STATES OF AMERICA

- v. -

JOHN AFRIYIE,

Defendant.



16 CRIM 377

COUNT ONE  
(Securities Fraud)

The Grand Jury charges:

1. From on or about January 28, 2016 through on or about February 17, 2016, in the Southern District of New York and elsewhere, JOHN AFRIYIE, the defendant, willfully and knowingly, directly and indirectly, by use of the means and instrumentalities of interstate commerce, and of the mails and the facilities of national securities exchanges, in connection with the purchase and sale of securities, used and employed manipulative and deceptive devices and contrivances, in violation of Title 17, Code of Federal Regulations, Sections 240.10b5 and 240.10b5-2, by: (a) employing devices, schemes, and artifices to defraud; (b) making untrue statements of material fact and omitting to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading; and (c) engaging in

acts, practices, and courses of business which operated and would operate as a fraud and deceit upon persons, to wit, on the basis of material non-public information that AFRIYIE obtained through his employment at a private investment fund (the "Investment Fund") in New York, New York, AFRIYIE executed and caused to be executed profitable transactions in the securities of ADT Corporation ("ADT").

(Title 15, United States Code, Sections 78j(b) & 78ff; Title 17, Code of Federal Regulations, Sections 240.10b5 & 240.10b5-2; and Title 18, United States Code, Section 2.)

COUNT TWO  
(Wire Fraud)

The Grand Jury further charges:

2. From on or about January 28, 2016 through on or about February 17, 2016, in the Southern District of New York and elsewhere, JOHN AFRIYIE, the defendant, willfully and knowingly, having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, AFRIYIE defrauded the Investment Fund of valuable confidential information by deceptively converting that information to his

own use, in breach of fiduciary and other duties, using the Internet, national securities exchanges, and wire transfers of funds, for the purpose of executing and causing the execution of transactions in ADT securities.

(Title 18, United States Code, Sections 1343 and 2.)

**FORFEITURE ALLEGATION**

3. As a result of committing the offenses alleged in Counts One and Two of this Indictment, JOHN AFRIYIE, the defendant, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses alleged in Counts One and Two of this Indictment, including, but not limited to, a sum of money in United States currency, representing the amount of proceeds obtained as a result of the commission of the offenses alleged in Counts One and Two of this Indictment, and all right, title and interest in the following:

a. \$15,969.07 in United States currency, formerly on deposit in Account Number ending in 1983 at Bank of America, held in the name of John Afriyie, and seized on or about May 12, 2016; and

b. \$2,689,159.59 in United States currency, representing the liquidated value of assets formerly held in

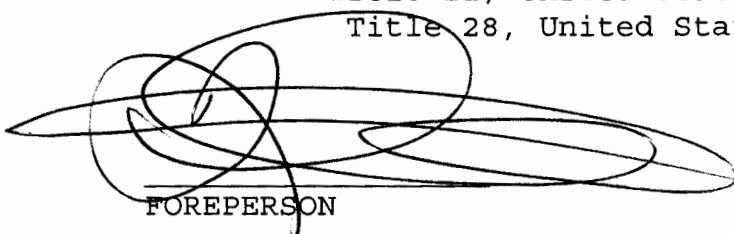
Account Number ending in 3729 at TD Ameritrade, held in the name of Lawrencia Afriyie, and seized on or about May 16, 2016.

Substitute Assets Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;
  - c. has been placed beyond the jurisdiction of the court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be divided without difficulty,
- it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described above.

(Title 18, United States Code, Section 981;  
Title 21, United States Code, Section 853; and  
Title 28, United States Code, Section 2461.)



FOREPERSON

Preet Bharara  
PREET BHARARA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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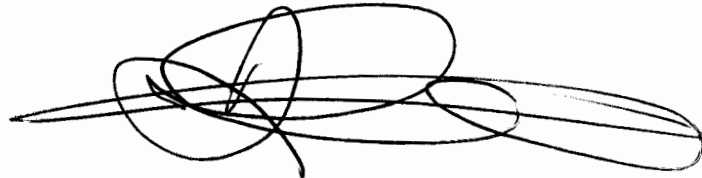
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INDICTMENT

16 Cr. \_\_\_\_

(15 U.S.C. §§ 78j(b) & 78ff;  
17 C.F.R. §§ 240.10b-5 & 240.10b5-2;  
18 U.S.C. §§ 1341 & 2.)

PREET BHARARA  
United States Attorney.



6/1/16 - Filed Indictment  
as Case assigned to Engd' manya.  
J. P. [unclear]  
J. [unclear]